

ENTERED

September 22, 2017

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

ISABEL LARA,

§

Plaintiff,

§

VS.

CIVIL ACTION NO. 5:16-CV-210

NBM TRANSPORT, LLC, *et al.*,

§

Defendants.

§

ORDER

Before the Court is Plaintiff's Unopposed Motion to Dismiss, asking the Court to dismiss this case with prejudice. (Dkt. No. 33). Federal Rule of Civil Procedure 41 governs voluntary dismissals by a plaintiff. Where, as here, the opposing party against whom dismissal is sought has served an answer and there is no stipulation of dismissal, voluntary dismissal may only occur "by court order, on terms that the court considers proper." FED. R. CIV. P. 41(a)(2). A dismissal under this provision is without prejudice, unless the Court orders otherwise. *Id.*

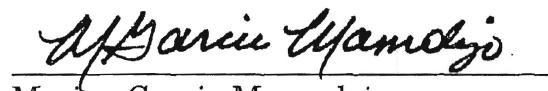
Motions for voluntary dismissal under Rule 41(a)(2) should be freely granted, unless the nonmovant will suffer some plain legal prejudice or there is evidence of abuse by the movant. *Test Masters Educ. Servs, Inc. v. Robin Singh Educ. Servs., Inc.*, 799 F.3d 437, 448 (5th Cir. 2015) (quoting *Elbaor v. Tripath Imaging, Inc.*, 279 F.3d 314, 317 (5th Cir. 2002)). Given that Plaintiff's Motion is unopposed, no such showings have been made.

The Court therefore **GRANTS** Plaintiff's Unopposed Motion to Dismiss (Dkt. No. 33), and this case is hereby **DISMISSED WITH PREJUDICE**.

The Clerk of Court is **DIRECTED** to close this case.

It is so **ORDERED**.

SIGNED September 22, 2017.



Marina Garcia Marmolejo
United States District Judge